

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION

UNITED STATES OF AMERICA,	)	CASE NOS. 5:20CR408
Plaintiff,	)	
	)	
v.	)	
	)	
NATHANIEL CARGILL,	)	<u>Judge John R. Adams</u>
	)	
Defendant.	)	ORDER
	)	

Pending before the Court is Defendant Nathaniel Cargill's motion seeking a judicial recommendation for the maximum amount of time in a residential re-entry center. Upon review, the motion is DENIED.

In addressing the propriety of this issue, courts across the country have fallen into three camps. Some courts determine whether to issue such a recommendation without tackling the jurisdictional issue; others claim that the recommendation is permissible because it does not modify the underlying judgment; and still others find that there is no jurisdiction to issue such a recommendation post-judgment. *See Carter v. United States*, No. 14-CR-150, 2018 WL 2376513, at \*2 (E.D. Wis. May 24, 2018)(collecting cases).

Given the Court's resolution that follows, a review to determine the propriety of issuing such a recommendation is unnecessary. The Court sentenced Cargill four years ago. Since that time, the Court has had no involvement with Cargill's sentence and has only the limited information that Cargill has provided regarding his progress while in custody. The Bureau of Prisons is far better suited to make a determination regarding Cargill's placement in a residential

re-entry center. The BOP is aware of his full institutional record, the resources available to assist in his transition back into society, and the services they can provide both in a prison setting or a re-entry setting. Accordingly, the Court finds no basis to issue a recommendation for or against Cargill's placement. As such, the motion is DENIED.

IT IS SO ORDERED.

March 24, 2025  
Date

/s/John R. Adams  
JOHN R. ADAMS  
UNITED STATES DISTRICT JUDGE